

REMARKS

In the Office Action, the Examiner rejected claims 1-34. By the present Response, Applicants amended claims 10 and 29 to correct typographical errors therein. Accordingly, claims 1-34 remain pending in the present Application. In light of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Objections

In the Office Action, the Examiner objected to claims 10 and 29 for containing typographical errors. As discussed above, Applicants amended these claims, and, as such, believe the Examiner's objections are now moot. Accordingly, Applicants respectfully request withdrawal of the outstanding objections.

Information Disclosure Statement

In the Office Action, the Examiner indicated that a number of references listed on the IDS submitted on September 23, 2003 were not considered. Moreover, the Examiner suggested Applicants file copies of these unconsidered references. Accordingly, Applicants submit herewith these previously unconsidered references, which are co-pending applications with respect to the present application. As indicated on the previously submitted IDS, the enclosed patent applications are not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists. Indeed, these co-pending applications are cited for the Examiner's information only.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claim 1-3, 5, 8, 10-12, and 14-17 under 35 U.S.C. § 102(e) as anticipated by the Krivoshein reference (U.S. Patent No. 6,449,7915). Applicants respectfully traverse the rejection. In summary, Applicants respectfully assert that the cited reference fails to disclose *all* of the features recited by the instant claims.

First, Applicants remind the Examiner that, during patent examination, the pending claims must be given an interpretation that is reasonable and consistent with the specification. *See In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *see also* M.P.E.P. §§ 608.01(o) and 2111. Interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *see also* M.P.E.P. § 2111. As further explained in Section 2111.01 of the M.P.E.P., the words of the claim must be given their plain meaning unless the applicant has provided a clear definition in the specification. *See In re Zletz*, 893 F.2d 319, 321, 13 U.S.P.Q.2d 1320, 1322 (Fed. Cir. 1989). Again, the plain meaning refers to an interpretation by those of ordinary skill in the art. *See In re Sneed*, 710 F.2d 1544, 218 U.S.P.Q. 385 (Fed. Cir. 1983).

Secondly, anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). With the foregoing in mind, Applicants respectfully assert that the Krivoshein reference fails to anticipate the instant claims.

Independent Claim 1 and the Claims Depending Therefrom

Independent claim 1 recites,

A method for configuring an electrical system including a plurality of programmable devices, the method comprising the steps of:

providing a configurator adapted to reference a database of *device data* including *data representative of the programmable devices* within the system;

assembling the plurality of programmable devices into the system;

placing the programmable devices in communication with the configurator; and

transferring portions of the database to each programmable device via the configurator, a portion of the *database* transferred to each programmable device *being unique to the respective device*.

(Emphasis added.) Respectfully, Applicants assert that the cited reference fails to disclose all of these features.

The Krivoshein reference discloses a device that “integrates the configuration and control of *device networks*.” Krivoshein, col. 1, ll. 8-10 (emphasis added). For example, the Krivoshein reference summarizes the disclosed invention as one that facilities “the control system to communicate with and control different types of field devices using *different communication protocols* based on a common *configuration database*.” *Id.*, col. 5, ll. 46-49 (emphasis added). Moreover, the “configurator” disclosed in the Krivoshein reference only accesses this configuration database to facilitate network communications between devices in accordance with a desired protocol. Indeed, the Krivoshein reference states that,

Generally speaking, the *configurator 76 is used to configure the I/O device with a particular device network* such as master I/O device 55 of the Profibus network 34 or the master I/O device 60 of the AS-Interface network 36 using the information stored in the configuration database 72. The configurator 76 may store and use a *different configuration routine* for each of the different types of networks to be configured. FIG. 2, for example, illustrates a configurator 76 having different configuration routine for each of a Fieldbus, HART, Profibus, and AS-Interface device network.

Id., col. 16, ll. 1-11 (emphasis added).

Thus, the configurator 76 and configuration database 72 of the Krivoshein reference only cooperate to establish *network communications* between the master I/O device and the remote I/O device. In other words, the configurator 76 and the configuration database 72 of the Krivoshein reference merely cooperate to establish communications in accordance with a communication protocol, which is *independent of the device* and, as such, is not *device data including data representative of the programmable device within the system*, as recited in the instant claim.

Further, configuration data related to *network communications* is standard between the various components. For example, the configurator 76 of the device of the Krivoshein reference accesses the same data or network communication protocol for use with multiple devices. *See* Krivoshein, col. 16, ll. 34-45. Specifically, the Krivoshein reference states that the “configurator 76 may use a configuration routine ...to send and receive data from *each* of the Profibus devices 50, 51, and 52.” *Id.* (Emphasis added.) Accordingly, the configurator 76 of the Krivoshein reference does not transfer a *unique* portion of the configuration database 72 to the respective devices, in contrast to the instant claim.

Therefore, Applicants respectfully assert that the Krivoshein reference fails to disclose all of the features recited in the instant claim. Thus, Applicants respectfully assert that the Krivoshein reference fails to anticipate independent claim 1 and its respective dependent claims 1-3, 5, 8, and 10. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of the instant claims.

Independent Claim 11 and the Claims Depending Therefrom

Independent claim 11 recites,

A method for configuring a motor control center, the method comprising the steps of:

defining a database for the motor control center including *component-specific data* representative of *programmable electrical components* comprising the motor control center;
assembling the components into the system;

placing the assembled components in communication with a configurator, the configurator having access to at least a portion of the component data of the database;

transferring *component-specific data* from the configurator to respective programmable components; and

storing the transferred component-specific data in memory of each respective programmable component.

(Emphasis added.) Applicants respectfully assert that the Krivoshein reference fails to disclose these features.

As discussed above, the configurator 76 and the configuration database 72 of the cited Krivoshein reference cooperate to establish a *network communication protocol* between various devices. *See* Krivoshein, col. 16, ll. 34-45. Accordingly, the uniformity of the communication protocol between the various devices clearly establishes that the configuration database and the configurator are not employed to transfer and/or define *component-specific* data, as recited in the instant claim. Rather, the configuration database employs network communication specific data in concert with the configurator.

Therefore, Applicants respectfully assert that the Krivoshein reference fails to disclose all of the features as recited in the instant claim. Thus, Applicants respectfully assert that the Krivoshein reference fails to anticipate independent claim 11 and its respective dependent claims 12 and 14-17. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of the instant claims.

Claim Rejections Under 35 U.S.C. § 103

First and Second Rejections Under Section 103

In the Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as obvious in view of the Krivoshein reference and under 35 U.S.C. § 103(a) as obvious in view of the Krivoshein reference and the Berglund et al. reference (U.S. Patent No. 6,044,411). Applicants respectfully traverse the rejections.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination or modification. *See ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination or modification includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references or reference. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

When prior art references require a selected combination or modification to render obvious a subsequent invention, there must be some reason for the combination or modification other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination or modification. *See Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). Moreover, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Additionally, the Examiner must provide *objective evidence*, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *See In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). The mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *See In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990).

Furthermore, the Federal Circuit has warned that the Examiner must not, “fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.” *In re Dembicza*k, F.3d 994, 999, 50 U.S.P.Q.2d 52 (Fed. Cir. 1999) (quoting *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 313 (Fed. Cir.

1983)). Avoiding hindsight reconstruction is especially important regarding less technologically complex inventions, where the very ease with which the invention can be understood may prompt one employ such hindsight. *See id.*

Dependent Claim 4

Applicants note the claim 4 depends from independent claim 1. With this in mind, Applicants respectfully reiterate that the Krivoshein reference fails to teach all of the features recited in the instant claims. Moreover, Applicants respectfully assert that dependent claim 4 is not only allowable for its dependence on an allowable base claim, but also by virtue of the additional features recited therein. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of the instant claim.

Dependent Claims 6, 7 and 13

Applicants note that dependent claims 6 and 7 depend from independent claim 1 and that claim 13 depends from independent claim 11. With this in mind, Applicants reiterate that the Krivoshein reference fails to disclose all of the features recited by the instant claims. Moreover, Applicants respectfully assert that the Berglund reference fails to satisfy the deficiencies of the Krivoshein reference. Accordingly, Applicants respectfully assert that dependent claims 6, 7, and 13 are patentable over the cited reference not over their dependencies on allowable base claims, but also by virtue of the additional features recited therein. Respectfully, Applicants request reconsideration and allowance of the instant claims.

Independent Claim 18 and the Claims Depending Therefrom

Independent claim 18 recites, *inter alia*, “downloading *into the programmable components* respective entries from the database, the entries including data representative of a *component designation and a component location.*” (Emphasis added.) Applicants respectfully assert that the cited reference, taken alone or in combination, fail to disclose these feature.

With regard to the Krivoshein reference, the Examiner concedes that the foregoing features are not disclosed. However, to obviate these deficiencies, the Examiner presents the

Berglund et al. reference. Respectfully, Applicants assert that the Berglund et al. reference fails to do so.

The Berglund et al. reference discloses a non-volatile memory 119 that is located on the backplane 113 of central electronics complex (CEC). *See* Berglund et al., col. 6, ll. 8-10, ll. 22-23. The backplane 113 has a number of slot connectors 115 to which various peripheral devices, such as hard disk drive, connect. *See* Berglund et al., col. 1, ll. 56-65; col. 4, ll. 8-14. In the device of the Berglund et al. reference, the non-volatile memory 119 stores information related to the physical location of the slot 115. *See id.*, col. 7, ll. 24-27. Specifically, “[e]ach slot 115 on one of the backplanes 113A, 113B1, 113B2, has a *unique location address* on the backplane under the PCI regime, e.g. slots 1 to 8, based on relative physical location.” *Id.*, col. 7, ll. 20-24 (emphasis added). Thus, the attached component, such as a disk drive, which is coupled to the slot 115, in the Bergland reference does not maintain its own location data. Rather, the data regarding the attached device is maintained *downstream* of the attached device in the non-volatile memory 119. In other words, the memory component (i.e., the non-volatile memory) and the attachable components (e.g., disk drives) are *independent and distinct from one another*. Thus, the Bergland reference fails to disclose the act of “downloading *into the programmable components*...data representative of a component *designation* and a component *location*” as recited in the instant claim. Indeed, one could not determine the location of the non-volatile memory 119 based on the data in the non-volatile memory 119.

Therefore, Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose all of the features recited in the instant claim and, as such, assert that the independent claim 18 and its respective dependent claims 19-22 are patentable. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of the instant claims.

Independent Claim 24 and the Claims Depending Therefrom

Independent claim 24 recites,

A system for configuring networked programmable electrical components, the system comprising:

a database including *data representative of function and location of the programmable electrical components* in an installation; and

a *configurator* adapted to access data from the database and to transmit the *function and location data to respective programmable electrical components*.

(Emphasis added.) Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose all of these features. Moreover, Applicants respectfully assert that the Examiner has failed to present a convincing line of reasoning to support the proposed modification.

As discussed above, the Bergland et al. reference teaches that the attached component and the memory device containing information regarding the component are *physically divorced* from one another. Accordingly, the Bergland et al. reference fails to disclose a system in which function and location data of a component is capable of being transmitted to the programmable component, as recited in the instant claim. Indeed, the data representative of the slot location, to which a component couples, is located in a non-volatile memory separate from the slot 115.

Additionally, even if, *arguendo*, the cited references disclosed all of the features recited in the instant claim, Applicants respectfully assert that the Examiner is employing hindsight reconstruction to reach the instant claims. Indeed, Applicants respectfully assert that a reference related to *network communications* and *network protocols* would not be obviously combined with a reference focused on correlating the logical identity and physical location of an occupied slot. Respectfully, Applicants assert that the desire to improve serviceability is absent from the Krivoshein reference. Indeed, Applicants respectfully remind the Examiner that the burden of establishing a *prima facie* case of obviousness rests with the Examiner. With this and the foregoing in mind, Applicants respectfully assert that the Examiner has failed to meet this burden.

Therefore, Applicants respectfully assert that independent claim 24 and its respective dependent claims 25-28 are patentable over the cited references, taken alone or in combination. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of the instant claims.

Independent Claim 29 and the Claims Depending Therefrom

Independent claim 29 recites,

A system for programming components of a motor control center (MCC), the system comprising:
a plurality of programmable MCC components;
a database including data representative of functions of the components and locations of the components in the MCC; and
a configurator adapted to access data from the database, to be coupled the plurality of components, and to transmit to the components respective data entries representative of the functions and locations of the components in the MCC.

(Emphasis added.) Applicants respectfully assert that the cited references, taken alone or in combination, fail to disclose all of these features. Moreover, Applicants respectfully assert that the Examiner has failed to present a convincing line of reasoning to support the proposed modification.

As discussed above, the Bergland et al. reference teaches that the attached component and the memory device containing information regarding the component are *physically divorced* from one another. Accordingly, the Bergland et al. reference fails to disclose a system in which function and location data of a component is capable of being transmitted to the programmable component, as recited in the instant claim. Indeed, the data representative of the slot location, to which a component couples, is located in a non-volatile memory 119 separate from the slot 115.

Additionally, even if, *arguendo*, the cited references disclosed all of the features recited in the instant claim, Applicants respectfully assert that the Examiner is employing hindsight reconstruction to reach the instant claim. Indeed, Applicants respectfully assert that a reference related to *network communications* and *network protocols* would not be obviously combined

with a reference focused on correlating the logical and physical identities of an occupied slot. Respectfully, Applicants assert that the desire to improve serviceability is absent from the Krivoshein reference. Indeed, Applicants respectfully remind the Examiner that the burden of establishing a *prima facie* case of obviousness rests with the Examiner. With this and the foregoing in mind, Applicants respectfully assert that the Examiner has failed to meet this burden.

Therefore, Applicants respectfully assert that independent claim 29 and its respective dependent claims 30-33 are patentable over the cited references, taken alone or in combination. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of the instant claims.

Third Rejection Under Section 103

In the Office Action, the Examiner rejected dependent claims 23 and 34 under 35 U.S.C. § 103(a) as obvious in view of the Krivoshein, Berglund and Heidhues references. Applicants respectfully traverse the rejections. Applicants reiterate that claims 23 and 34 depend from claims 18 and 29 respectively. With this mind, Applicants respectfully assert that the Heidhues reference fails to obviate the deficiencies of the Krivoshein and Berglund references discussed above. Accordingly, Applicants respectfully assert that dependent claims 23 and 34 are patentable over the cited reference not only for their dependencies on allowable base claims, but also by virtue of the additional features recited therein. Therefore, Applicants respectfully request reconsideration and allowance of the instant claims.

Fourth Rejection Under Section 103

In the Office Action, the Examiner rejected dependent claim 9 under 35 U.S.C. § 103(a) as obvious in view of the Krivoshein and Heidhues references. Applicants however, respectfully assert that dependent claim 9 depends from independent claim 1, which, as discussed above, is patentable over the Krivoshein reference. Moreover, Applicants respectfully assert that the Heidhues reference fails to obviate the deficiencies of the Krivoshein reference. With the foregoing in mind, Applicants respectfully assert that claim 9 is patentable not only for its

dependence on an allowable base claim, but also by virtue of the additional features recited therein. Thus, Applicants respectfully request reconsideration and allowance of the instant claim.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

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Respectfully submitted,



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